

REMARKS

Claims 1-24 under 35 U.S.C. § 103(a) as being unpatentable over Hawkins et al., U.S. Patent No. 6,000,000 (Hawkins) in view of Keslet et al., U.S. Publication No. 2009/0031230 (Kesler). In light of the following remarks, Applicants respectfully request the Examiner's reconsideration and re-examination of all pending claims. At any rate, Applicants wish to bring this oversight to the attention of the Examiner.

As noted, the Office Action rejects each of independent claims under 35 U.S.C. § 103 as being unpatentable over Hawkins in view of Kesler. Applicants have amended the claims to recite limitations that are not taught or fairly suggested in the combination of Hawkins and Kesler. For example, independent claim 1 now recites:

A method, comprising:
coupling a handheld device to a server, the server comprising a first database and the handheld device comprising a second database, the handheld device also comprising an application that allows a user to access the second database;
determining whether the application needs to be updated, wherein the determining comprises an act of comparing a version number of the application with a version number received from the server;
causing the server to provide to the handheld device metadata for updating the application if the application version number and the version number received from the server do not compare equally;
causing the handheld device to record transactions performed on the second database by a user;
causing the handheld device to provide to the server transaction information, wherein the transaction information is related to the recorded transactions;
causing the server to perform a transaction on the first database based on the transaction information;
causing the server to extract data from the first database to be used to update the second database; and
causing the server to provide to the handheld device at least a portion of the extracted data.

The limitations added to independent claim 1 within this response focus on the application updating aspects of independent claim 1. Independent claim 11 has been amended to include similar limitations.

Prior to this amendment, independent claim 1 merely recited “causing the server to provide to the handheld device metadata for updating the application.” In the current Office Action and in previous Office Actions, Figure 1; Figure 6; column 3, lines 3-9; column 4, lines 26-45; and column 7, line 25 – column 8, line 14 of Hawkins were said to teach an act of updating an application on a handheld device. Applicants have reviewed these cited sections of Hawkins and find no teaching or fair suggestion of updating an application on a handheld device. Column 5, lines 43-46 of Hawkins, which was not cited in the Office Actions, recites “There is a conduit library for each type of database or program that needs to be synchronized on the personal computer 150 and the handheld computer system 110.” In contrast, independent claim 1 recites updating an application and a database on the handheld device. Moreover, Hawkins makes clear that each conduit library is configured for updating databases, and the undersigned can find no indication, other than column 5, lines 43-46 that a conduit library is provided for synchronizing a program on a handheld computer system 110. Applicants submit that the Hawkins act of “updating an application” is meant to mean updating data of the application.

Notwithstanding, Applicants have further amended independent claim 1 to recite that the server provides to the handheld device metadata for updating the application if the application version number and version number received from the server do not compare equally. Applicants note that the cited sections of Hawkins and Kesler do not teach or fairly

suggest this limitation either alone or in combination with the remaining limitations of independent claim 1.

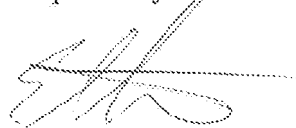
Independent claim 11, as noted above, has been amended to recite limitations similar to those of independent claim 1, which are argued above. For the same or similar reasons that independent claim 1 is patentably distinguishable over the combination of Hawkins and Kesler, Applicants submit that independent claim 11 is likewise patentably distinguishable. The remaining claims depend from independent claims 1 or 11 are patentably distinguishable for this reason.

CONCLUSION

In view of the amendments and remarks set forth herein, the application and the claims therein are believed to be in condition for allowance without any further examination and a notice to that effect is solicited. Nonetheless, should any issues remain that might be subject to resolution through a telephonic interview, the Examiner is invited to telephone the undersigned.

If any extensions of time under 37 C.F.R. § 1.136(a) are required in order for this submission to be considered timely, Applicant hereby petitions for such extensions. Applicant also hereby authorizes that any fees due for such extensions or any other fee associated with this submission, as specified in 37 C.F.R. § 1.16 or § 1.17, be charged to Deposit Account 502306.

Respectfully submitted,



Eric A. Stephenson
Attorney for Applicants
Reg. No. 38,321
Telephone: (512) 439-5093
Facsimile: (512) 439-5099